IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4578 of 1994

Between:

L.Venkateswarlu, S/o. Somalingam, Hindu, Tribe, Agriculturust,

R/o.Choutapalli Village, Chintapalli Mandal, Visakhapatnam District

..... PETITIONER

AND

1. Agent to Government of Andhra Pradesh & District Collector, Visakhapatnam.(Dismissed against him for default as per court order, dated 03.08.1999).
2. Special Deputy Collector, Tribal Welfare, Paderu, Visakhapatnam District.
3. M.R.O., Chintapally Mandal, Visakhapatnam District.
4. Korabu Ramanadham, S/o. Venkateswarlu, Hindu, R/o. Choutapalli Village, Chintapally Mandalam of Visakhapatnam District.
5. Gorla Ramayamma, W/o. Rajulu, Hindu, R/o. Chintapally Mandal, Chintapally, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction particularly a writ in the nature of Certiorari by calling for all the records from the 1st respondent leading upto and including the order, dt. 8.2.1994 in A.S.No.11 of 1992 and quash all the proceedings and pass such other relief of reliefs as this Court may deem fit just and necessary in the circumstances of the case.

Counsel for the Petitioner:DR.P.B.VIJAY KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

O R D E R:

This writ petition is filed in the nature of Certiorari, calling for the records from the 1st respondent relating to the order, dated 08.02.194 in A.S.No.11 of 1992 under the Andhra Pradesh Schedule Area Land Transfer Regulation 2/70.

The facts of the case in brief are that against the orders of the 2nd respondent, dated 21.05.1992 holding that the petitioner should be ejected from the disputed land measuring 0.60 cents of land, the petitioner preferred an appeal before the 1st respondent in A.s.No.2 of 1970, wherein it is held that the finding of the 2nd respondent in respect of Benami nature of sale deed was valid and that the vendor may be given adequate legal aid in order to enable him to prefer an appeal under Mutta Regulation 2/89 against the patta granted in favour of the petitioner. Aggrieved by the same, this writ petition is filed stating that as the 1st respondent has not considered the effect of Benami Transaction Pohibition Act, the observations made by the 1st respondent are wholly unwarranted.

Taking into consideration the fact that the concurrent finding of fact arrived at by R.2 as well as R.1 holding that the petitioner is only a biname, it is not open for this Court to come to a definite conclusion and as the writ petition was already dismissed by this Court, by order, dated 03.08.1999 as against R.1, I do not see any valid reason

to interfere with the impugned order under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. No costs.

12.08.2004

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.2CCs to the Special Deputy Collector, Tribal Welfare, Paderu, Visakhapatnam District.

2. M.R.O., Chintapally Mandal, Visakhapatnam District

2.2CD copies

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